

**SUNSHINE ORDINANCE
TASK FORCE**

City Hall
1 Dr Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-7724
Fax No. (415) 554-7854
TTD/TTY No. (415) 554-5227

ORDER OF DETERMINATION
October 31, 2017

DATE ISSUED
October 4, 2017

CASE TITLE – Ann Treboux v. Howard Lazar and the Arts Commission
(File No. 17019)

FACTS OF THE CASE

The following petition/complaint was filed with the Sunshine Ordinance Task Force (SOTF):

File No. 17019: Complaint filed by Ann Treboux against Howard Lazar and the Arts Commission, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a complete and/or timely manner.

HEARING ON THE COMPLAINT

On August 22, 2017, the Complaint Committee (Committee) acting in its capacity to hear petitions/complaints heard the matter and referred it to the SOTF for hearing.

Ann Treboux (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Ms. Treboux stated that the response to the complaint was late and that the multiply email response were not comprehensible. Ms. Treboux stated that she has still not received all of the requested records. Kate Patterson, Arts Commission (Respondent), provided summary of the department's position. Ms. Patterson acknowledged that the department's response was late due to Ms. Treboux new email address being sent to junk mail. Ms. Patterson stated that their email system has a tendency to send AOL emails to junk mail and again requested that Ms. Treboux send her requests to the custodian of records for the Arts Commission (Kate Patterson). Ms. Patterson stated that once the request was found, in the junk email box of Mr. Lazar, a response was provided.

The Committee opined that the Arts Commission is responsible to finding a solution to valid emails being misdirected to junk mail. Even though Ms. Treboux has been informed of the issues, emails from other parties using AOL may be received and misdirected.

On October 4, 2017, the SOTF held a hearing to review the recommendation from Committee and/or to review the merits of the petition/complaint.

Ann Treboux (Petitioner), provided a summary of the complaint and requested the SOTF to find violations. Ms. Treboux stated that she only received a web page link and did not get specific documents. There were no speakers in support of the Petitioner. Kate Patterson, Arts Commission (Respondent), provided a summary of the department's position. Ms. Patterson acknowledged that the department's response was late due to issues with AOL emails being automatically sent to junk mail. Ms. Patterson noted that staff members are instructed to search for public records requests and to forward them to Kate Patterson for review and response. Ms. Patterson stated that all records have been provided and a request for clarification was requested after the initial response. There were no speakers in support of the Respondent. A question and answer period followed. The Petitioner and Respondent were provided an opportunity for rebuttals.

The SOTF opined that providing a weblink to documents is a valid method to respond to a request for public records.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented the SOTF found that Howard Lazar and the Arts Commission violated Administrative Code (Sunshine Ordinance), Section 67.25.

ORDER OF DETERMINATION

Member Tesfai, seconded by Member Cannata, moved to find that Howard Lazar and the Arts Commission violated Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely manner.

The motion PASSED by the following vote:

Ayes: 8 – Eldon, Tesfai, Maass, Cannata, Fischer, Hinze, Hyland, B. Wolfe

Noes: 0 – None

Absent: 2 – Chopra, J. Wolf

Bruce Wolfe, Chair
Sunshine Ordinance Task Forces

- c. Kate Patterson, Arts Commission (Respondent)
Ann Treboux (Petitioner)